

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF DELAWARE

IN THE MATTER OF THE COMMISSIONS')
REVIEW OF THE NECESSITY FOR)
CYBERSECURITY GUIDELINES OR)
REGULATIONS FOR DELAWARE INVESTOR) PSC DOCKET NO. 16-0659
OWNED ELECTRIC, GAS AND WATER)
UTILITIES)
(FILED MAY 23, 2016))

ORDER NO. 8898

AND NOW, this 28th day of June, 2016, the Delaware Public Service Commission ("Commission") determines and orders the following:

WHEREAS, on May 23, 2016, the Commission Staff ("Staff") filed a petition ("Petition") that requests this Commission to authorize it to review whether cybersecurity guidelines or regulations are needed to ensure and maintain safe and reliable public utility services for customers in the State of Delaware; and

WHEREAS, the Petition has provided good cause for conducting such a review on whether such guidelines or regulations may be needed. As noted by Staff, the Commission is obligated pursuant to Delaware law to ensure quality customer service to all regulated public utility customers with the State of Delaware. In addition, Staff has noted the potential for a cybersecurity breach of utility customer and service control systems exists because new technologies are continually expanding, which makes older technological systems subject to vulnerabilities; and

WHEREAS, the Commission has the exclusive jurisdiction and authority over such matters pursuant to 26 Del. C. §§201(a) and 209(a)(2);

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF NOT FEWER THAN THREE COMMISSIONERS:

1. The Commission hereby opens a docket to review the general principles of cybersecurity threats, cybersecurity threat assessments and risk avoidance, management actions that Delaware public utilities would be expected to take within the cybersecurity environment, and the appropriateness of adopting general guidelines or regulations regarding cybersecurity policies for Delaware public utilities.

2. The Secretary of the Commission shall cause a copy of this Order and the public notice attached as **Exhibit "A"** to be published in two newspapers of general circulation in the State of Delaware by July 19, 2016, and to send, by July 19, 2016, a copy of this Order and the attached public notice by U.S. mail to all public utilities currently operating in the State of Delaware and all persons who have made timely written requests for advance notice of the Commission's regulation-making proceedings.

3. Staff shall schedule and conduct at least two public workshops (or more, as needed) that will be designed to initiate a high-level discussion on the need for cybersecurity guidelines or regulations for Delaware public utilities.

4. After receiving any comments solicited by the public notice and after conducting any such workshops as Staff deems necessary, Staff shall file with the Commission, **by no later than October 1, 2016**, a written report which shall describe the results of the public

workshops, the various positions of the public utilities and participants regarding the need for cybersecurity guidelines or regulations, and any proposals for revisions and/or amendments to the existing Commission regulations. If the Commission approves such proposed revisions and/or amendments, the Commission will then propose such rules and regulations for adoption under the procedures set forth in 29 Del. C. §§1133 and 10115 to 10118.

5. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Chair

Commissioner

Commissioner

Commissioner

Commissioner

PSC Docket No. 16-0659, Order No. 8898 Cont'd

ATTEST:

Secretary

EXHIBIT "A"

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TO: ALL DELAWARE PUBLIC UTILITIES AND CUSTOMERS OF DELAWARE PUBLIC UTILITIES

On May 23, 2016, the Delaware Public Service Commission Staff ("Staff") filed with the Delaware Public Service Commission (the "Commission") a petition that requested the Commission to authorize it to review whether cybersecurity guidelines or regulations are needed to ensure and maintain safe and reliable public utility services for customers in the State of Delaware (the "Petition"). On June 28, 2016, the Commission issued Order No. 8898 which opened a docket to review the general principles of cybersecurity threats, cybersecurity threat assessments and risk avoidance, management actions that Delaware public utilities would be expected to take within the cybersecurity environment, and the appropriateness of adopting general guidelines or regulations regarding cybersecurity policies for Delaware public utilities.

A public workshop will be held on August 18, 2016, starting at 10:00 a.m. at the office of the Commission located at 861 Silver Lake Boulevard, Cannon Building, Suite 100, Dover, Delaware 19904. The purpose of this public workshop will be to initiate a high-level

discussion on the need for cybersecurity guidelines or regulations for Delaware public utilities.

Interested persons may file written comments or objections to the need for cybersecurity guidelines or regulations for Delaware public utilities **on or before August 10, 2016.**

You are invited to review the Petition to determine how your interests may be affected. You may review documents posted on the Commission's website in the DelaFile E-filing system located at <http://delafile.delaware.gov> by searching for "Docket No. 16-0659." If you would like to review documents at the Commission's offices, please contact Donna Nickerson at donna.nickerson@state.de.us to arrange a time for your review. You may also review copies of the Petition at the office of the Division of the Public Advocate located at 820 North French Street, 4th Floor, Wilmington, Delaware 19801 or 29 South State Street, Dover, Delaware 19901. Please call either (302) 577-5077 (Wilmington) or (302) 241-2555 (Dover) to arrange for a time to review the documents at either of those locations.

If you wish to request copies of documents in this matter, please submit a Freedom of Information Act Request Form. The link to this form can be found on the Commission's website, <http://depsc.delaware.gov> or by visiting this web address: <https://delafile.delaware.gov/Complaints/FOIA.aspx>. The Commission will respond to your request in accordance with the Delaware Freedom of Information Act, 29 Del. C. ch. 100.

If you have a disability and wish to participate or to review the materials in this matter, please contact the Commission to discuss any

auxiliary aids or services you might need to help you. You may contact the Commission in person, by writing, by telephone (including text telephone), by Internet e-mail, or other means. If you have questions about this matter, you may call the Commission at 1-800-282-8574 (toll-free in Delaware) or (302) 736-7500 (voice and text telephone). You may also send questions regarding this matter by Internet e-mail addressed to psc@state.de.us.